

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

U.S. SECURITIES AND EXCHANGE  
COMMISSION,

*Plaintiff,*

v.

VUUZLE MEDIA CORP., RONALD SHANE  
FLYNN, AND RICHARD MARCHITTO,

*Defendants.*

Civil No.: 21-cv-1226 (KSH) (CLW)

**ORDER**

THIS MATTER having come before the Court on defendant Richard Marchitto's motion (D.E. 17) to dismiss the complaint under Fed. R. Civ. P. 12(b)(6); and

WHEREAS the U.S. Securities and Exchange Commission (the "SEC") has moved (D.E. 45) to amend the complaint to, among other things, add new allegations against defendant Marchitto; and

WHEREAS the SEC's motion to amend contains the following language: "[A]mending the Complaint will likely moot Defendant Marchitto's motion to dismiss, in that it adds allegations that he (incorrectly) contended were missing from the SEC's earlier Complaint" (D.E. 45-1, Moving Br. at 8); and good cause thereby appearing,

**IT IS** on this 17<sup>th</sup> day of December, 2021

**ORDERED** that defendant Marchitto's motion to dismiss (D.E. 17) is administratively terminated without prejudice. In the event the SEC's motion to amend (D.E. 45) is not granted, the motion to dismiss (D.E. 17) shall be returned to the docket for the Court's decision.

/s/ Katharine S. Hayden  
Katharine S. Hayden, U.S.D.J.